

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.

Plaintiff,

vs.

LM ERICSSON TELEPHONE COMPANY  
(TELEFONAKTIEBOLAGET LM ERICSSON)

Case No. 2:11-cv-4574-RK

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP  
PROJECT A/K/A 3GPP

Defendants.

**ORDER GRANTING MOTION, ISSUING LETTER OF REQUEST,  
APPOINTING COMMISSIONER, AND DIRECTION SUBMISSION OF HAGUE  
CONVENTION APPLICATION**

The Court, having reviewed the papers submitted in support of Alcatel-Lucent USA Inc.'s Uncontested Motion for Issuance of Letter of Request, Appointment of Commissioner, a Direction of Submission of Hague Convention Application (the "Motion"), and having determined to issue a Request for International Judicial Assistance to authorize a commissione in France (the "Request") pursuant to Chapter II of the Hague Convention of 18 March 1970 o the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Convention"),  
**HEREBY ORDERS THAT:**

- (a) The Motion is **GRANTED**;

(b) The form of the Court's Request pursuant to the Hague Convention attached as Exhibit II to the motion is hereby issued as the Court's Request and is incorporated herein;

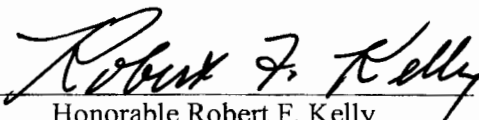
(c) Pursuant to Article 17 of the Hague Convention, Alexander Blumrosen (the "Commissioner") is duly appointed and is hereby appointed, pending the approval of the Ministère de la Justice of France and subject to the terms of the Court's Request, as the Commissioner to supervise the deposition testimony of Mr. Francois Courau, pursuant to Article 17 of the Hague Convention and at a time to be agreed to by the parties and Mr. Courau, and in performance of his appointment as commissioner and duties thereunder, upon completion to inform the Ministère de la Justice of France and transmit a copy of the deposition transcript and exhibits to counsel for the parties;

(d) This signed Order and the signed Request will be given to Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Alcatel-Lucent USA Inc., which will file both documents, along with French translations of both documents including Exhibit A, attached thereto, with the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, Bureau de l'entraide civile et commerciale internationale (D3) 13, Place Vendôme, 75042 Paris Cedex 01, France;

(e) Defendant will bear the costs of the Hague Convention proceedings, including, without limitation, the fees of the Commissioner and the translation fees or costs, but each party will be responsible for the fees and expenses, if any, of its own attorneys relating to the Hague Convention proceedings. Defendant will use its best efforts to obtain within 2 to 3 weeks of the date of this Order, the Ministère de la Justice of France's approval of the Court's Request and appointment of the Commissioner, and;

(f) Neither this Order, nor the terms of the Court's Request (which is incorporated into this Order) shall constitute or operate as a waiver of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or objections that may apply to that evidence under the laws of France, or the United States. All materials withheld, in whole or in part, on the basis of any privilege shall be so identified on an appropriate log in accordance with Fed. R. Civ. P. 26(b)(5) and the Stipulated Order Establishing Protocol For Electronic Discovery.

SO ORDERED: October 28<sup>th</sup>, 2013

  
Honorable Robert F. Kelly